

REMARKS/ARGUMENTS

Applicant respectfully requests reconsideration of this application in view of the present amendments and the following remarks. By this amendment, claims 1, 14 and 28 are amended. As a result, upon entry of this amendment claims 1-30 are pending and at issue in this case, with claims 1, 2, 8, 14, 21, 24 and 28 being independent claims. It is believed that no fees in addition to the extension of time fee transmitted herewith are due for the consideration of this paper. However, if additional fees are due, the Commissioner is authorized to charge such fees to deposit account number 13-2855. A copy of this paper is enclosed.

Amendments to the Claims

It is respectfully submitted that the claims as amended above are supported by the application as originally filed in the Patent Office on July 31, 2001, that the amended claims satisfy the written description requirement and the other requirements of 35 U.S.C. § 112, and that no new matter is being added. Claim 1 is amended to more clearly recite that the one-way tensioning mechanism moves to an engaged position when the cord moves in the one direction and to a disengaged position when the cord moves in the other direction. Claims 14 and 28 are amended in a similar manner to more clearly recite that the means for providing a resistant force and the tensioner, respectively, move between engaged and disengaged positions when the cord moves in the one direction or the other direction. The amendments to claims 1, 14 and 28 are supported by the application as originally filed at least at FIGs. 4, 5, 8 and 9 and at page 11, line 25 through page 12, line 21, which describe the pulley 62 moving within the apertures 52, 58 between a engaged or stopped position with teeth 76 engaging pawl 60, and a disengaged or free-wheeling position with teeth 76 disengaged from pawl 60. Therefore, Applicant respectfully submits that the amendments to claims 1, 14 and 28 do not present new matter and do not raise new issues, and respectfully requests entry of the present amendments to claims 1, 14 and 28 and consideration of the claims as amended.

**Statutory Basis for Palmer Reference as Prior Art and
Common Ownership of Palmer and Present Application**

As an initial matter, applicant wishes to point out that U.S. Patent No. 6,644,375 (Palmer) applied by the Examiner is not a prior art reference under either 35 U.S.C. §§102(a) or (b), since Palmer did not issue until after the July 31, 2001 filing date of the present application. Instead, if in fact Palmer is prior art, the proper basis for Palmer to be prior art is under 35 U.S.C. §102(e) based on its January 9, 2001 filing date and as previously indicated by the Examiner in the August 17, 2004 Office action.

Moreover, at the time the invention of the present application was made, the Palmer patent and the invention claimed in the present application were owned by or subject to an obligation to be assigned to Newell Window Furnishings, Inc. Such common ownership of Palmer and the present application is evidenced by the assignments recorded at reel 011703 and frame 0970, and reel 013246 and frame 0661, respectively. Pursuant to 35 U.S.C. §103(c)(1), the subject matter of Palmer cannot properly be used in a rejection under 35 U.S.C. §103(a).

Response to Claim Rejections

The Examiner has indicated in the Office action that claims 2-5, 8-13 and 21-23 are allowed, and that claim 17 contains allowable subject matter. Claims 1, 14-16 and 28 were rejected under 35 U.S.C. §102(b) as being anticipated by Palmer, and that claims 6, 7, 18-20 and 30 are rejected under 35 U.S.C. §103(a) as being unpatentable over Palmer in view of Toti (U.S. Patent No. 6,283,192). Applicant respectfully traverses these rejections.

Regarding the rejection of claims 1, 14-16 and 28 in view of Palmer, applicant respectfully requests reconsideration and withdrawal of the rejection in view of the amendments to claims 1, 14 and 28. Applicant respectfully submits that the embodiments shown in Palmer do not disclose mechanisms wherein movement of the lift cords moves the brake mechanisms between engaged and disengaged positions as recited in the claims. Instead, in each of Palmer's illustrated embodiments, a user manipulates a button or other part of the brake mechanism to disengage the brake mechanism. (*See, e.g.*, buttons 44, 86, 100, 110 and front end 72 of lever 70 being manipulated by the user as indicated by the

arrows in Figs. 4, 9, 12, 15 and 7, respectively). Therefore, Palmer does not anticipate either claims 1, 14 and 28 as amended or the claims depending therefrom. Further, for the reasons discussed above, Palmer cannot be used to sustain a rejection under 35 U.S.C. §103(a). Consequently, the claims can not be rendered obvious by Palmer. Because claims 1, 14-16 and 28 are neither anticipated nor rendered obvious by Palmer, withdrawal of the rejection of these claims is respectfully requested.

Applicant respectfully submits that claims 6, 7, 18-20 and 30 are not properly rejectable by the combination proposed by the Examiner. For the reasons discussed above, Palmer may not be used to sustain a rejection under 35 U.S.C. §103(a). Further, Toti does not teach or suggest all the limitations of the claims and, therefore, neither anticipates nor renders obvious the claims on its own. Therefore, withdrawal of the rejection under 35 U.S.C. §103(a) is also respectfully requested.

For at least the foregoing reasons, reconsideration and withdrawal of the rejection of the claims and allowance of the currently pending claims are respectfully requested. Should the Examiner wish to discuss the foregoing or any matter of form in an effort to advance this application towards allowance, she is urged to telephone the undersigned at the indicated number.

Respectfully submitted,

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